

# EXHIBIT A

**From:** [Jennifer B. Maisel](#)  
**To:** [Elana.NightingaleDawson@lw.com](#); [JGatz@mofo.com](#); [OpenAICopyright@mofo.com](#); [KVPOAI@keker.com](#); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](#); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](#); [CMHomer@mofo.com](#); [openaicopyrightlitigation.lwteam@lw.com](#)  
**Cc:** [DailyNews-AI-RFEM](#); [NYT-AI-SG-Service@simplelists.susmangodfrey.com](#)  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies  
**Date:** Tuesday, March 18, 2025 3:41:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Counsel,

I write to follow up on our discussions concerning OpenAI's retention policies with respect to output log data and News Plaintiffs' Motion (NYT Dkt. 379) for OpenAI to: (1) preserve its output log data, including output log data that contains News Plaintiffs' content, hereinafter; and (2) identify all output log data that has been destroyed, when it was destroyed, and whether it is retrievable.

As to the first issue, as of our March 5 call, we understand that OpenAI has not been able to identify an existing technological way to identify and preserve only potentially relevant output log data. Although we offered a few proposed technical solutions based on the limited information we have from OpenAI's document and source code productions, OpenAI said those options are not viable because they only prevent News Plaintiffs' content from being output in the first place and cannot be used to identify News Plaintiffs' content in existing output log data. Finally, OpenAI said that any engineering work to implement a solution to identify and preserve only the output log data that references or uses News Plaintiffs' content would take months (and put us well past the current close of fact discovery in April), and that OpenAI will otherwise will not agree to suspended its retention policies in order to preserve output log data. We also understand that in the absence of a technological way to identify and preserve only potentially relevant output log data, you are refusing to preserve any of the log data other than what would otherwise be preserved according to your default preservation policies. Accordingly, the parties remain at an impasse.

Turning to the second issue, you still have not provided any kind of identification of the output log data OpenAI has destroyed for each product at issue. We explained again on our March 5 call that we do not need absolute precision, but that we are trying to understand if the volume of destroyed data is substantial and is likely to contain information relevant to the News cases. You explained on our March 5 call that you were still investigating what information about the destroyed data you are willing to share, and told us that the destroyed data did not appear to be recoverable. In view of our ongoing dispute about this issue, and our upcoming discovery conference on April 10, please provide in writing no later than March 21: (1) an identification of all output log data that has been destroyed, including an estimated volume thereof based on the best information available to OpenAI, (2) when such data was destroyed, and (3) whether such data is retrievable. If OpenAI is refusing or unable to furnish this information, please set forth the basis of such refusal in writing no later than March 21.

Best regards,

Jen



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**From:** Jennifer B. Maisel  
**Sent:** Monday, March 3, 2025 9:58 AM  
**To:** Elana.NightingaleDawson@lw.com; JGratz@mofo.com; OpenAICopyright@mofo.com; KVPOAI@keker.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NewYorkTimes\_Microsoft\_OHS@orrick.com; CMHomer@mofo.com; openaicopyrightlitigation.lwteam@lw.com  
**Cc:** DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Hi Elana,

2:30pm ET on Wednesday works for us. I'll circulate an invite.

Thanks,  
Jen



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**From:** [Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>

**Sent:** Monday, March 3, 2025 8:59 AM

**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com);  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Hi Jen,

Thanks for your patience.

We are available during the following windows tomorrow and Wednesday. Please let us know what works for you.

Tues. 3/4 – 11am – 1pm, 5pm – 6pm ET

Wed. 3/5 – 12p – 4pm ET

Best regards,

Elana

**Elana Nightingale Dawson** (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

---

**From:** Nightingale Dawson, Elana (DC) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>

**Sent:** Friday, February 28, 2025 2:45 PM

**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com);  
[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [KVPOAI@keker.com](mailto:KVPOAI@keker.com); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [CMHomer@mofo.com](mailto:CMHomer@mofo.com); #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>

**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)

**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Hi Jen,

My apologies; things ended up tighter for us yesterday and today on the scheduling front than I expected. I'm gathering availability for next Monday through Wednesday and will circle back shortly.

Best regards,  
Elana

**Elana Nightingale Dawson** (she/her/hers) | **LATHAM & WATKINS LLP**

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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>

**Sent:** Tuesday, February 25, 2025 11:41 AM

**To:** Nightingale Dawson, Elana (DC) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [KVPOAI@keker.com](mailto:KVPOAI@keker.com); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [CMHomer@mofo.com](mailto:CMHomer@mofo.com); #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>

**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; NYT-AI-SG-[Service@simplelists.susmangodfrey.com](mailto:Service@simplelists.susmangodfrey.com)

**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Hi Elana,

We are available Thursday 3-5pm or Friday 9am-12:30pm (all ET). Please let us know when works for you.

BR,  
Jen



**Jennifer Maisel** (she/her)  
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**From:** [Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>  
**Sent:** Saturday, February 22, 2025 9:22 PM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com);  
[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [KVPOAI@keker.com](mailto:KVPOAI@keker.com); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [CMHomer@mofo.com](mailto:CMHomer@mofo.com);  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jen,

Thank you for following up. We have limited availability earlier next week, but have more availability on Thursday 2/27 and Friday 2/28—can you let us know your availability on those days to discuss?

Best regards,  
Elana

**Elana Nightingale Dawson** (she/her/hers) | **LATHAM & WATKINS LLP**

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---

**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>  
**Sent:** Thursday, February 20, 2025 2:23 PM  
**To:** Nightingale Dawson, Elana (DC) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com);  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Dear Counsel,

Following up from our February 7 call, you had agreed to look further into: (1) technological ways for OpenAI to identify and preserve potentially relevant output log data, and (2) identifying what volume of output log data OpenAI has deleted for each product at issue.

Because it has been a few weeks since we spoke, can you please let us know the status of your investigation? We are available to discuss early next week if you have any updates to share.

BR,

Jen



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**From:** [Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>  
**Sent:** Thursday, February 6, 2025 2:58 PM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com);  
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**Subject:** Re: NYT/NYDN - ChatGPT Retention Policies

Jen,

Thank you for agreeing to meet on Friday and for your letter; we'll send an invite for 1pm ET. We look forward to discussing the issues raised in your motion and prior correspondence on this subject. We would also like to discuss the relevance and propriety of the questions you have posed and the information you are seeking. We note that, in addition to posing numerous questions, your letter requests, among other things, information that was the subject of your motion, which was denied with an order requiring us to confer. Given the Court's order, we look forward to conferring on Friday.

Best regards,  
Elana

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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>

**Sent:** Wednesday, February 5, 2025 4:23 PM

**To:** [Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>;  
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[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Dear Elana,

Thank you for your email. We are available 11am-12pm or 1-1:30pm ET on Friday. Additionally, please see the attached correspondence identifying issues we would like to discuss.

Best regards,

Jen



**Jennifer Maisel** (she/her)  
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**From:** [Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com) <[Elana.NightingaleDawson@lw.com](mailto:Elana.NightingaleDawson@lw.com)>

**Sent:** Wednesday, February 5, 2025 1:09 PM

**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; [JGratz@mofo.com](mailto:JGratz@mofo.com); [CMHomer@mofo.com](mailto:CMHomer@mofo.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [KVPOAI@keker.com](mailto:KVPOAI@keker.com); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)

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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jen,

We would like to schedule a time to confer regarding Plaintiffs' retention motion in light of the Court's directive. Please let us know when during the following windows you are available.

Friday 2/7: 11am – 1:30pm, 4pm – 5pm ET

Thank you.

Elana

**Elana Nightingale Dawson** (she/her/hers) | **LATHAM & WATKINS LLP**

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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>

**Sent:** Thursday, January 9, 2025 8:27 PM

**To:** Gratz, Joseph C. <[JGratz@mofo.com](mailto:JGratz@mofo.com)>; Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>; KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>

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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Dear Joseph,

We have asked OpenAI to preserve logs of user sessions—and as we have explained, OpenAI should have been preserving these all along. We have provided OpenAI with the News Plaintiffs' content and web domains, and OpenAI has tools and other mechanisms to search for or isolate logs that contain this content or come from these domains. For example, OpenAI should be able to determine when one of the News Plaintiffs' domains is accessed as part of retrieval augmented generation (RAG). We also understand from discovery to-date that OpenAI has created tools, [REDACTED] for the purpose of identifying copyrighted output from the News Plaintiffs, whether as part of RAG or not. We can discuss with you during the meet and confer any alleged burden to preserve all logs. We are available tomorrow 2-3pm ET.

BR,

Jen



**Jennifer Maisel** (she/her)  
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**From:** Gratz, Joseph C. <[JGratz@mofo.com](mailto:JGratz@mofo.com)>  
**Sent:** Thursday, January 9, 2025 2:39 PM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer,

In your email of yesterday, which responds to my letter of last Friday, you request a meet and confer and ask us to be prepared to address, among other things, “whether OpenAI will agree to hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs’ content.”

We want to do our best to be prepared to discuss the subjects you want to discuss. So that we can evaluate your request, could you tell us what, in your view, would identify a ChatGPT user conversation as “containing any of the News Plaintiffs’ content”?

That further detail on your request will let us come to the meet and confer prepared for a fruitful discussion. We are also, of course, happy to have a discussion about that very question if it would be helpful to the process.

**Joseph Gratz** (he/him)  
Partner  
[JGratz@mofo.com](mailto:JGratz@mofo.com)  
+1 (415) 268-6066



---

**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>  
**Sent:** Wednesday, January 8, 2025 6:13 AM  
**To:** Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

**External Email**

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Dear Carolyn and Joe,

Please let us know your availability for a meet and confer tomorrow. During the meet and confer, please be prepared to address: (1) whether OpenAI will agree to hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs' content, and (2) the nature and volume of user conversations OpenAI has failed to preserve.

We further disagree with your characterization of the Parties' discussions on this issue. On March 5, 2024, Ian Crosby reiterated that we "will comply with our preservation obligations and expect you to do the same," and the Parties all agreed that outputs were at issue in the case in the joint Rule 26(f) Report filed on March 8, 2024 (Dkt. 72).

Best regards,

Jen



**Jennifer Maisel** (she/her)  
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**From:** Homer, Carolyn M. (via NYT-AI-SG-Service list) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>  
**Sent:** Friday, January 3, 2025 6:06 PM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer,

On behalf of Joe Gratz, please see attached correspondence.

**Carolyn Homer**  
Of Counsel  
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---

**From:** Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>  
**Sent:** Tuesday, December 24, 2024 10:18 AM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer: We have been diligently working on a response, but the holiday schedules of our team and client have delayed us getting it over to you. We will have a response to you next week, and if still necessary, let's plan on conferring on January 6.

**Carolyn Homer**  
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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>  
**Sent:** Monday, December 23, 2024 4:31 PM  
**To:** OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com);  
KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; NYT-AI-SG-  
[Service@simplelists.susmangodfrey.com](mailto:Service@simplelists.susmangodfrey.com)  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

**External Email**

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Counsel,

Please be advised that, in view of OpenAI's lack of response to the issues raised in my December 10 letter, News Plaintiffs are prepared to raise these issues with the Court to be addressed at the next status conference.

In view of the upcoming holidays, please advise as your availability to meet and confer on these issues on January 3<sup>rd</sup> or 6<sup>th</sup>.

BR,  
Jen



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**From:** Jennifer B. Maisel

**Sent:** Thursday, December 19, 2024 2:16 PM

**To:** OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>

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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Counsel,

Having not received confirmation that OpenAI will: (1) identify any output containing content from any of the News Plaintiffs that has been deleted, and (2) hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs' content, please advise as to your availability for a meet and confer on these issues tomorrow. We are available 9:30-11:30am ET.

BR,

Jen



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**From:** Jennifer B. Maisel

**Sent:** Tuesday, December 10, 2024 9:24 PM

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[Service@simplelists.susmangodfrey.com](mailto:Service@simplelists.susmangodfrey.com)

**Subject:** NYT/NYDN - ChatGPT Retention Policies

Counsel,

Please see the attached correspondence.

Best regards,

Jen



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